

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

TODD ALAN BROWN,

Plaintiff,

v.

CORPORAL FRANKS, *et al.*,

Defendants.

No. 4:22-CV-01156

(Chief Judge Brann)

ORDER

AND NOW, this 13th day of February 2024, in accordance with the accompanying Memorandum, **IT IS HEREBY ORDERED** that:

1. Defendants' motions to dismiss under Federal Rule of Civil Procedure 12(b)(6), (Docs. 62, 64, 66), are **GRANTED** in part and **DENIED** in part, as follows:
 - a. Plaintiff's Fourth Amendment excessive force claim under 42 U.S.C. § 1983 against defendant Corporal Bledsoe is **DISMISSED** with prejudice pursuant to Rule 12(b)(6) for failure to state a claim upon which relief may be granted.
 - b. Plaintiff's Fourteenth Amendment deprivation of property claims are **DISMISSED** with prejudice as to all Defendants pursuant to Rule 12(b)(6) for failure to state a claim upon which relief may be granted.
 - c. Defendants' motions are **DENIED** in all other respects.
2. The Clerk of Court is directed to terminate defendant Corporal Bledsoe.
3. Plaintiff's official capacity claims are **DISMISSED** pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) and (iii) as they fail to state a claim for relief or are barred by Eleventh Amendment sovereign immunity.

4. This case will proceed only as to Plaintiff's individual capacity Fourth Amendment excessive force claims against defendants Corporal Franks and Trooper Yaworski.
5. Defendants Franks and Yaworski shall respond to the remaining Section 1983 claims as required by Federal Rule of Civil Procedure 15.

BY THE COURT:

s/ Matthew W. Brann

Matthew W. Brann

Chief United States District Judge